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12

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15

STARBUZZ TOBACCO, INC., a California corporation,) Case No.:
Plaintiff,) COMPLAINT FOR:
vs.) 1. COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. § 101 et seq.;
GOLD STAR TOBACCO INC., a New Jersey corporation; SAMER ABDELMASEH, an individual; and DOES 1-10, inclusive,) 2. DECLARATORY RELIEF UNDER 17 U.S.C. §§ 102;
Defendants.) 3. DECLARATORY RELIEF RE: INELIGIBILITY TO REGISTER USPTO TRADEMARK APPLICATION SERIAL NO. 87818151; AND

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21)
22) **DEMAND FOR JURY TRIAL**
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PLAINTIFF, Starbuzz Tobacco, Inc. complains and alleges as follows:

PARTIES

1. Plaintiff, Starbuzz Tobacco, Inc., (“Plaintiff” or “Starbuzz”), is now, and at all times relevant herein was, a corporation organized under the laws of the State of California. Currently, its principal place of business is in the City of Foothill Ranch, California.

The Defendants.

2. Starbuzz is informed and believes, and on that basis alleges, that Defendant, Gold Star Tobacco Inc. (“Gold Star”), is now, and at all times relevant herein was, a New Jersey corporation with a principal place of business located at 701 Hartle St., Ste 710, in Sayreville, New Jersey 08872.

3. Starbuzz is informed and believes, and on that basis alleges, that Defendant, Samer Abdelmaseh, (“Samer”), is an individual who is now, and at all times relevant herein was, a citizen or permanent resident of the United States, who is domiciled in the state of New Jersey.

4. Starbuzz is informed and believes, and on that basis alleges, that Samer is an owner of Gold Star and is responsible for controlling and/or directing its activities. Gold Star and Samer are collectively referred herein as "Defendants."

5. Starbuzz is informed and believes, and on that basis alleges, that Defendants are responsible for each of their acts and for their conduct, which are the true legal causes for the damages herein alleged.

DOE ALLEGATIONS

6. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants DOES 1 through 10, inclusive, are unknown to Plaintiff at this time, and Plaintiff, therefore, sues said defendants by such fictitious names. Plaintiff will ask leave of Court to amend this Complaint when the same shall have been ascertained. Plaintiff is informed and believes, and based thereon alleges that each DOE defendant was responsible intentionally, or in some other actionable manner, for the events and happenings referred to herein, which proximately caused injury and damage to Plaintiff, as hereinafter alleged.

7. Any reference to "Defendants" shall refer to each named defendant and all DOE defendants, and to each of them.

JURISDICTION AND VENUE

8. This Court has original jurisdiction over this action pursuant to 17 U.S.C. § 301 and 28 U.S.C. §§ 1331 and 1338, in that this Complaint raises federal questions under the Federal Copyright Law, 17 U.S.C. § 101 et seq. The Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. §1337.

9. The Court has personal jurisdiction over Defendants because they have purposefully engaged in business activities in and directed to California, and they have committed tortious acts within the State. Specifically, Defendants have sold and/or are currently selling products bearing a copyrighted logo owned by Starbuzz, throughout the United States, including the State of California. Since Defendants had actual knowledge that the copyrighted logo was created by Starbuzz, Defendants knew, or should have known, that their infringing activities were directed towards California, and the effect of those activities would be felt in California.

10. The Court also has personal jurisdiction over Defendants because Defendants have purposefully availed themselves of the opportunity to conduct commercial activities in this forum. Plaintiff's Complaint arises out of those commercial activities.

11. Venue is proper in this district under 28 U.S.C. §§ 1391 (b) and (c) in that substantial injury occurred and continues to occur in this district, a substantial portion of the events that are the subject of this action took place in this district, and Defendants are doing business within this judicial district.

AGENCY

12. At all times herein mentioned, each Defendant was the agent, servant, joint venturer, partner or employee of the other Defendants, successor

1 corporations, successors in interest, or entities and, in doing the things herein
2 alleged, was acting within the purpose and scope of said agency or employment at
3 the time of the incident. All Defendants were acting within the scope and course
4 of that agency and employment and with the knowledge and implied and/or
5 express consent and permission of the other Defendants.

6

7 **ALTER EGO**

8

9 13. Starbuzz is informed and believes, and on that basis alleges, that
10 Samer is, and at all times relevant hereto was, an owner and operator of Gold Star.
11 Samer maintains such pervasive authority and control over Gold Star such that he
12 directs and controls it.

13

14 14. There is a unity of interest and ownership between Samer and Gold
15 Star, such that separate entities do not exist. Moreover, Samer operates Gold Star
16 to his own benefit with the specific intent of unfairly competing with Starbuzz.

17

18 15. Plaintiff is informed and believes, on that basis alleges, that the
19 identities of Samer and Gold Star are in substance one and the same, and that Gold
20 Star is the alter ego of Samer, acting solely as a conduit for the performance of
21 Gold Star, and as a device to cause harm or prejudice to those dealing with him.

22

23 16. Plaintiff is informed and believes, and based upon such information
24 and belief alleges, that Gold Star is undercapitalized, that Samer treated its assets
25 as his own, that Samer failed to keep separate bank accounts for Gold Star, and that

Samer comingled his personal funds with Gold Star.

17. Plaintiff is informed and believes, and based upon such information and belief alleges, that Samer also ignores the separate existence of Gold Star in numerous ways including, but not limited to, its failure to conduct regular meetings of members and its failure to obtain the members' written consent or approval of company actions.

18. If the actions of Gold Star are considered alone, an inequitable result will follow such that Samer, as the principal who has directed it to injure Plaintiff, will avoid liability.

19. Plaintiff is informed and believes, and based upon such information and belief alleges, that Samer participated in, was aware of, and acquiesced in the fraudulent practices of Gold Star, and as a tortfeasor, would be jointly and severally liable for such violations.

20. Samer's actions are directly attributable to Gold Star. Hereinafter, any actions alleged to be conducted by Gold Star are intended to refer to Samer personally, and on behalf of Gold Star.

INTRODUCTION

21. This case is about Defendants' egregious infringement of Starbuzz's intellectual property rights, and other violations of federal and state law. It is egregious because Defendants have intentionally adopted and used artwork that is

identical or substantially similar to Starbuzz's copyrighted material with blatant disregard for Starbuzz's intellectual property rights.

22. Defendants are not affiliated with Starbuzz in any way and do not have Starbuzz's permission to use the copyrighted material or infringing mark. Defendants are aware that their actions are specifically prohibited and are on notice that Starbuzz has not consented to their actions in any way.

23. By this Complaint, Starbuzz seeks to prevent further deception and to protect its intellectual property from intentional copying and infringement.

FACTS

STARBUZZ'S CREATION AND OWNERSHIP OF THE COPYRIGHTED DESIGN

24. Since 2005, Starbuzz has been a manufacturer and supplier of, among other things, high-quality shisha tobacco products and other related products.

Shisha tobacco is a type of tobacco mixed with molasses or honey that is typically used for smoking and often comes in a variety of flavors. Over the years, Starbuzz has become one of the most popular shisha tobacco brands in the industry.

25. In or around 2015, Starbuzz and Samer began discussing plans to enter into a business venture together for the manufacture and sale of shisha tobacco co-branded under the “Gold Star Tobacco” label.

26. On or about November 5, 2015, Starbuzz independently finalized an original design for use in connection with the planned business venture:



(“Copyrighted Design”)

Attached hereto as **Exhibit A** is a copy of the Copyrighted Design.

27. Starbuzz showed Samer the Copyrighted Design as a potential logo for the planned business venture.

28. However, the planned business venture between Starbuzz and Defendants did not materialize.

29. The Copyrighted Design was never shared or shown to the public. Only a small number of Starbuzz’s employees who worked on the Copyrighted Design and Samer knew about the design.

30. Starbuzz never assigned any rights to the Copyrighted Design to Defendants, or otherwise authorized Defendants to use the design.

DEFENDANTS’ WRONGFUL ACTS

31. In or around 2018, Starbuzz discovered that Defendants adopted a design that is identical or substantially similar to the Copyrighted Design for use in connection with Defendants’ business without Starbuzz’s consent:



(“Infringing Design” as shown on Samer’s product packaging)

32. Starbuzz is informed and believes, and on that basis alleges, that Samer and others, including but not limited to Hany Gemian, an individual, conspired together to misappropriate Starbuzz’s Copyrighted Design to create the Infringing Design for use in connection with the manufacture, sale, and/or distribution of shisha tobacco throughout the United States, including California.

33. Starbuzz is informed and believes, and on that basis alleges, that Hany Gemian is a 50% owner of Gold Star.

34. Starbuzz is informed and believes, and on that basis alleges, that Defendants are using and displaying the Infringing Design in connection with the sale, distribution, advertisement, and promotion of products on third-party retailer websites, storefronts on Amazon and Ebay, Instagram, and Facebook. Copies of print-outs from Gold Star’s Instagram and Facebook pages showing the Infringing Design are attached hereto as **Exhibit B**.

1 35. To protect its rights, Starbuzz applied to register the Copyrighted
2 Design in the United States Copyright Office on April 4, 2018. Subsequently, the
3 Copyright Office issued a Certificate of Registration for the Copyrighted Design
4 with an effective date of April 4, 2018 (Registration No. VAu 1-313-168). A true
5 and correct copy of the Certificate of Registration and a picture of the Copyrighted
6 Design are attached hereto as **Exhibit C**.
7
8

9 36. At all times relevant herein, Starbuzz has been, and still is, the owner
10 of the exclusive rights, title, and interest in the Copyrighted Design and has the full
11 and exclusive rights to bring suit to enforce the same, including the right to recover
12 for past infringement.
13
14

15 37. Starbuzz is informed and believes, and on that basis alleges, that
16 through Samer's participation in the failed business venture, Defendants had actual
17 and constructive knowledge of Starbuzz's independent creation of, and ownership
18 in, the Copyrighted Design.
19
20

21 38. Notwithstanding Starbuzz's copyright in its artwork, Starbuzz is
22 informed and believes, and on that basis alleges, that Defendants are intentionally
23 and willfully using and displaying the Infringing Design to advertise, distribute,
24 and sell their products throughout the United States, including California, without
25 Starbuzz's consent.
26
27
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39. When viewed in a side-by-side comparison, the designs are undeniably similar:



(“Copyrighted Design”))



(“Infringing Design”)

40. Starbuzz has never authorized Defendants to produce, reproduce, prepare derivative works based upon, distribute, or publicly display the Copyrighted Design.

41. Defendants' unauthorized actions, which include blatant copying of the Copyrighted Design and distribution of the Infringing Design, constitute copyright infringement under federal law.

Defendants Unlawfully Misappropriated the Copyright Design for Use as a Trademark.

42. Starbuzz did not consent or otherwise authorize Defendants to use or register the Copyrighted Design or any design which is substantially similar to the Copyrighted Design, for trademark use.

43. Nonetheless, Starbuzz is informed and believes, and on that basis alleges, that on or about March 2, 2018, Samer filed an application with the United

1 States Patent and Trademark Office (“USPTO”) to register the Infringing Design
2 as a design trademark (USPTO Serial No. 87/818,151).

3 44. Starbuzz is informed and believes, and on that basis alleges, that when
4 Samer filed the application, he was aware that he was not the owner of the
5 Copyrighted Design, and that Starbuzz did not authorize him to use or apply to
6 register Applicant’s Mark.

7 45. Therefore, Starbuzz is further informed and believes, and on that basis
8 alleges, that Samer intentionally filed the application to deceive the USPTO and
9 unlawfully acquire rights to the Copyrighted Design.

10 46. Moreover, Starbuzz is informed and believes, and on that basis
11 alleges, that Samer falsely alleged in the application that he has been using the
12 Infringing Design since July 2, 2015, nearly four months before Starbuzz showed
13 him the original Copyrighted Design. A copy of the TESS printout for the
14 application is attached hereto as **Exhibit D**.

15 47. Starbuzz is informed and believes, and on that basis alleges, that since
16 the Copyrighted Design was not finalized until November 5, 2015, Defendants
17 could not possibly have used the mark four months earlier, on July 2, 2015. As
18 such, Defendants made said false statement knowing that the allegation could not
19 be supported.

48. Defendants' application for federal registration of the Infringing Design as a trademark constitutes unlawful misappropriation of Starbuzz's intellectual property.

FIRST CLAIM FOR RELIEF
[Copyright Infringement Under 17 U.S.C. § 101, et seq.]
(Against All Defendants)

49. Starbuzz re-alleges and incorporates by this reference paragraphs 1 through 48, inclusive, of this Complaint as if fully set forth herein.

50. Starbuzz is the original author and sole owner of the Copyrighted Design.

51. The Copyrighted Design was fixed in a tangible medium when Starbuzz finalized the design.

52. The Copyrighted Design consists of wholly original material and is copyrightable subject matter under the copyright laws of the United States.

53. Starbuzz obtained registration of its copyright for the Copyrighted Design.

⁵⁴ Starbuzz and its Copyrighted Design are known to Defendants

55. Starbuzz is informed and believes, and on that basis alleges that, Defendants have misappropriated the Copyrighted Design and produced, reproduced, prepared derivative works based upon, distributed, and publicly displayed Starbuzz's copyrighted work without consent.

1 56. Starbuzz is informed and believes, and on that basis alleges, that
2 Defendants have been using the Infringing Design since at least 2017.
3
4

5 57. Defendants' acts violate Starbuzz's exclusive rights under 17 U.S.C.
6 §§ 106 and 501, including Starbuzz's exclusive rights to produce, reproduce,
7 publically display, and distribute copies of its work, and create derivative works.
8
9

10 58. Defendants have knowingly and willfully infringed, with the intent to
11 financially gain from Starbuzz's copyrighted work. Defendants have used, and
12 continue to use, the Infringing Design in connection with the sale, marketing, and
13 distribution of shisha tobacco and related products throughout the United States,
14 including California.
15

16 59. Starbuzz has not licensed or otherwise authorized Defendants to use
17 the Copyrighted Design, or any works that are substantially similar to the
18 Copyrighted Design.
19

20 60. Defendants' copyright infringement has caused, and will continue to
21 cause, substantial injuries, loss, and damage to Starbuzz's proprietary rights to the
22 Copyrighted Design, in an amount to be determined at trial.
23

24 61. Defendants' copyright infringement, and the threat of continuing
25 infringement, has caused, and continues to cause, substantial and irreparable
26 damage and injury to Starbuzz. Thus, Starbuzz is also entitled to injunctive and
27 equitable relief against Defendant under 17 U.S.C. § 502, and to an order under 17
28

U.S.C. § 503 and 28 U.S.C. § 1651(a) that the infringing copies of the Copyrighted Design be seized, impounded, and destroyed.

62. Defendants are directly, contributorily, and/or vicariously liable for these actions.

SECOND CLAIM FOR RELIEF

**[Declaratory Relief for Plaintiff's Exclusive Rights in the Copyrighted Design
Based on 17 U.S.C. § 102]
(Against All Defendants)**

63. Starbuzz re-alleges and incorporates by this reference paragraphs 1 through 62, inclusive, of this Complaint as if fully set forth herein.

64. Starbuzz has exclusive rights in the Copyrighted Design to reproduce any copies, prepare derivative works, and distribute copies to the public.

65. Defendants have used, and continue to use the Infringing Design, a design that is identical and/or substantially similar to Starbuzz's Copyrighted Design.

66. Accordingly, a judicial determination is essential at this time with respect to Starbuzz's ownership rights in the Copyrighted Design and Defendants' use of an identical and/or substantially similar design.

Therefore, Starbuzz seeks a declaration from this Court that Starbuzz owns a valid and enforceable copyright in the Copyrighted Design, and that Defendants' Infringing Design unlawfully infringes on the Copyrighted Design.

THIRD CLAIM FOR RELIEF

**[Declaratory Relief for Samer's Ineligibility to Register the Infringing Design
Based on 15 U.S.C. §§ 1119, 1064, and 1051]
(Against Samer)**

67. Starbuzz re-alleges and incorporates by this reference paragraphs 1 through 66, inclusive, of this Complaint as if fully set forth herein.

68. Recently, Starbuzz discovered that Samer misappropriated Starbuzz's Copyrighted Design and applied for registration of the Infringing Design as a trademark with the USPTO, Application Serial No. 87/818,151, entitled "GOLDSTAR TOBACCO SINCE 2015" ("USPTO Application")

69. Starbuzz's creation of the Copyrighted Design precedes Samer's application for registration for the Infringing Design.

70. Starbuzz owns valid rights to the exclusive use of the Copyrighted Design.

71. Starbuzz is informed and believes, and on that basis alleges, that Samer intentionally copied the Copyrighted Design and applied for registration of the Infringing Design with the intent to defraud the USPTO.

72. Starbuzz is also informed and believes, and on that basis alleges, that Samer falsely asserted a date of first use of July 2, 2015 in the USPTO Application with the intent to defraud the USPTO.

73. In order to obtain federal trademark registration, an applicant must demonstrate use of its mark as a trademark in commerce. 15 U.S.C. § 1127. This

1 use in commerce must be a lawful use. *See, e.g., CreAgri, Inc. v. USANA Health*
2 *Sciences, Inc.*, 474 F.3d 626 (9th Cir. 2007).

3 74. Starbuzz has not authorized Samer to use the Copyrighted Design, or
4 any design substantially similar to the Copyrighted Design. Thus, any use by
5 Samer of the Infringing Design, including use as a trademark in connection with
6 his products, infringes on Starbuzz's copyright and is unlawful.

7 75. To prevent Samer from obtaining trademark registration for the
8 Infringing Design, Starbuzz filed an Opposition against the application on
9 February 25, 2019 (Opposition No. 91246615). Starbuzz opposed the application
10 on the grounds that Samer's use of the Infringing Design infringes on Starbuzz's
11 Copyrighted Design and is thus an unlawful use in commerce.

12 76. Since Samer is not the owner or an authorized user of the Copyrighted
13 Design and Infringing Design, the USPTO should refuse registration, or cancel any
14 resulting registration, pursuant to 15 U.S.C. § 1051.

15 77. Since the USPTO does not have jurisdiction to determine copyright
16 infringement issues, and since Starbuzz's claim of "unlawful use" is based on
17 copyright infringement, the District Court is Starbuzz's only avenue of remedy
18 with respect to Samer's infringing use of the Infringing Design as a trademark.

78. Accordingly, a judicial determination is essential at this time finding that the logo in the USPTO Application is identical and/or substantially similar to the Copyrighted Design such that it infringes on Starbuzz's exclusive rights.

79. Therefore, Starbuzz seeks a declaration from this Court that Samer's use of the Infringing Design as a trademark infringes on Starbuzz's copyright and constitutes unlawful use in commerce.

PRAYER FOR RELIEF

WHEREFORE, Starbuzz respectfully prays for judgment against Defendants as follows:

ON THE FIRST CLAIM

1. An Order finding that Defendants have infringed Starbuzz's rights in the Copyrighted Design in violation of 17 U.S.C. § 501;

2. An Order requiring Defendants to pay damages for their copyright infringement as actual damages in an amount to be determined at trial together with Defendants' profits derived from their unlawful infringement of the Copyrighted Design;

3. A preliminary and permanent injunction, enjoining and prohibiting Defendants and any of their officers, directors, employees, agents, subsidiaries, distributors, dealers, and all persons in active concert or participation with any of them from:

1 A. Copying, reproducing, duplicating, disseminating, distributing,
2 or using infringing copies of the Copyrighted Design, or any design or work
3 substantially similar to the Copyrighted Design;

4 B. Infringing on Starbuzz's Copyrighted Design;

5 C. Assisting, aiding, or abetting any other person or business entity
6 in engaging in or performing any of the activities referred to in subparagraphs (A)
7 and (B) above;

8 4. An Order requiring Defendants to deliver to Starbuzz for destruction
9 any and all packaging, advertising and promotional materials, and any and all
10 products embodying unauthorized copying of the Copyrighted Design;

11 5. An Order that all materials containing the Infringing Design be
12 recalled, seized, impounded and destroyed;

13 6. An Order requiring the deletion or removal of the Infringing Design
14 from any and all Internet websites, social media, storefronts, and any other
15 accounts;

16 7. Pre-judgment interest on any amounts awarded at the maximum legal
17 rate as permitted by law and equity; and

18 8. Any other and further relief as the Court deems appropriate, proper
19 and just.

1 **ON THE SECOND AND THIRD CLAIMS**

2 1. An Order finding that Starbuzz's copyright registration for the
3 Copyrighted Design is valid and enforceable;

4

5 2. An Order finding that Defendants' Infringing Design infringes on the
6 Copyrighted Design;

7

8 3. An Order finding that Samer is not the owner of the Infringing Design
9 and registration of the Infringing Design is likely to cause damage to Starbuzz;

10

11 4. An Order finding that Samer's use of the Infringing Design as a
12 trademark infringes on Starbuzz's copyright and constitutes unlawful use in
13 commerce;

14

15 5. An order directing the Director of the USPTO to refuse Samer's
16 USPTO Application (Ser. No. 87/818,151), or cancel any registration resulting
17 from said application;

18

19 6. Any other or further relief that the Court deems appropriate, proper,
20 and just.

22 DATED: March 1, 2019

23 Respectfully Submitted,
THE PATEL LAW FIRM, P.C.

24 

25 _____
26 Natu J. Patel
27 Daniel H. Ngai
28 Ellena Nguyen
 Attorneys for Plaintiff
 Starbuzz Tobacco, Inc.

1 **DEMAND FOR TRIAL BY JURY**
2

3 Plaintiff Starbuzz Tobacco, Inc. hereby demands a trial by jury on all
4 issues triable by jury.
5

6 DATED: March 1, 2019
7

Respectfully Submitted,
THE PATEL LAW FIRM, P.C.



9 _____
10 Natu J. Patel
11 Daniel H. Ngai
12 Ellena Nguyen
13 Attorneys for Plaintiff
14 Starbuzz Tobacco, Inc.
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Exhibit A



Exhibit B

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goldstartobacco

[Follow](#)

26 posts

241 followers

4 following

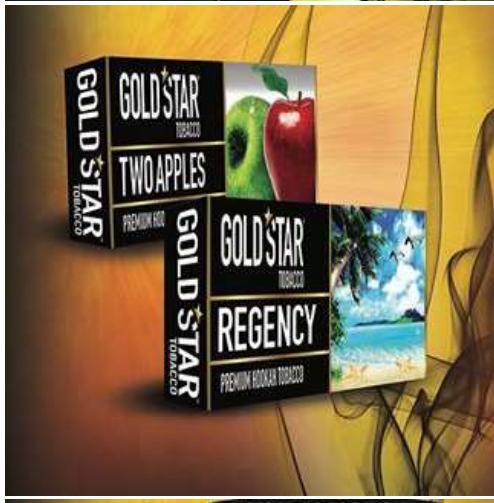
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#250gm #argila #nargila #vape #smokeshisha
smokeys510 Keep on rockin!
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50 likes

FEBRUARY 24, 2017

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34 likes

FEBRUARY 3, 2018

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Gold Star Tobacco · Home

Like This Page · January 24, 2017 ·

6 1 Share

Like Comment Share

A Facebook post from the page "Gold Star Tobacco". The post features a large image of Gold Star Tobacco products, including several containers of tobacco (Mint, Orange, Cherry Mint) and boxes of Regency flavor, alongside a hookah. The background of the image is a vibrant yellow and orange gradient. The Gold Star logo is visible in the top left corner of the image. The post has 6 likes and 1 share. There is a comment section below the image.

Write a comment...

**GOLD STAR®
TOBACCO**

MANGO **GRAPE** **PINEAPPLE** **GUAVA**

GOLD STAR TOBACCO SINCE 1912

Gold Star Tobacco
Like This Page · January 24, 2017 ·

6 1 Share

Like Comment Share

Write a comment...



Gold Star Tobacco

Like This Page · January 24, 2017 ·

6

Like

Comment

Share



Write a comment...

Exhibit C

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

Registration Number

VAu 1-313-168

Effective Date of Registration:
April 04, 2018

Title

Title of Work: Goldstar Tobacco Since 2012

Completion/Publication

Year of Completion: 2015

Author

- Author: Starbuzz Tobacco, Inc.
- Author Created: 2-D artwork
- Work made for hire: Yes
- Domiciled in: United States

Copyright Claimant

Copyright Claimant: Starbuzz Tobacco, Inc.
10871 Forbes Avenue, Garden Grove, CA, 92843, United States

Certification

Name: Majda Haddoudi

Date: April 04, 2018

Applicant's Tracking Number: S015-4516



Exhibit D



United States Patent and Trademark Office

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Record 1 out of 1

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Word Mark	G GOLDSTAR TOBACCO SINCE 2015
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigarettes; Hookahs; Smokers' articles, namely, hookah charcoal; Tobacco. FIRST USE: 20150702. FIRST USE IN COMMERCE: 20150702
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.01.09 - Stars, two ; Two stars 01.01.13 - Stars - multiple stars with five points 01.15.15 - Fire (flames), emanating from objects, words or numbers 19.05.25 - Boxes, cardboard (packing or storage) ; Cartons, packing or storage ; Dumpster ; Freight containers ; Other large containers ; Pallets for storing or moving cargo or freight ; shipping containers 26.01.17 - Circles, two concentric ; Concentric circles, two ; Two concentric circles
Serial Number	87818151
Filing Date	March 2, 2018
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 11, 2018
Owner	(APPLICANT) Samer Abdelmaseh INDIVIDUAL UNITED STATES P.O. Box 3254 South Amboy NEW JERSEY 08879
Attorney of Record	Joseph E. Sutton
Prior Registrations	4489270;4534288;4879623
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOBACCO SINCE 2015" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of an enlarged letter "G" that surrounds the entire mark having an open space at the right side, and having a star shape in the open space; and the words "GOLDSTAR TOBACCO" are placed in a circular fashion within the enlarged letter "G", which forms an inner circular space and said circular space encloses a drawing of a flame placed in an open container, having above it the words "SINCE 2015".
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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